

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

The Sustainability Institute, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants.

Case No.: 2:25-cv-02152-RMG

**NOTICE OF RECENT
DEVELOPMENTS**

Plaintiffs submit this Notice of Recent Developments to alert the Court of relevant factual developments in the above captioned case and to offer to expedite their briefing in the event the Court determines an expedited hearing is advisable. Plaintiffs filed this case on March 19, 2025, on behalf of eleven non-profit groups and six cities alleging that Federal Defendants had performed a number of illegal actions in order to freeze and terminate Congressionally mandated federal grant programs. ECF No. 1. On March 25, 2025, Plaintiffs amended their complaint to add an additional two non-profit groups as Plaintiffs. ECF No. 23. Also on March 25, Plaintiffs filed a Motion for Preliminary Injunction. ECF No. 24 (“Motion”); *see also* ECF No. 24-1 (memorandum in support). In that Motion, Plaintiffs requested that the Court enjoin Defendants “from any actions that continue to freeze or result in the termination of grants” under specified Congressional grant programs. ECF No. 24 at 4. Plaintiffs also requested the Court “prohibit Defendants from otherwise impeding, blocking, cancelling, [or] terminating, Plaintiffs’ access to their funds . . . including via ‘manual reviews’ and/or ‘financial holds’; or by withholding funds based on an illegal termination of grants.” *Id.* The Court set a hearing on Plaintiff’s Motion for April 23, 2025. ECF No. 33.

Since Plaintiffs filed their Motion, Defendants have taken action to unilaterally “terminate” four of the grants at issue in this litigation. Specifically, between March 26 and 28, 2025, Defendant EPA sent memoranda titled “Termination of EPA Assistance Agreement” for the EPA Environmental Justice Government-to-Government Program to the City of Baltimore (Agreement 5C-95336801, ECF No. 24-15 at 56) and the City of New Haven (Agreement 52-00A01441, ECF No. 24-19 at 11), and for EPA’s Environmental Justice Collaborative Problem Solving grant program to Plaintiffs Bronx River Alliance (Agreement 5B-96229424, ECF No. 24-6 at 58) and CleanAIRE NC (Agreement 5B-03D03424-0, ECF No. 24-7 at 35). Exs. A–D. These termination notices are boilerplate documents that do not include any specific legal justifications, lack details related to the individual grants, and repeat the same pattern as other recent grant terminations by the Trump administration that have been temporarily restrained by federal courts. *See California v. U.S. Dep’t of Education*, No. 25-10548-MJJ, 2025 WL 760825, at *2–3 (D. Mass. Mar. 10, 2025), *stay pending appeal denied*, No. 25-1244, 2025 WL 878431 (1st Cir. Mar. 21, 2025); *see also Climate United Fund v. Citibank, N.A.*, No. 25-cv-698, 2025 WL 842360, at * 7–9 (D.D.C. Mar. 18, 2025).

In addition, Plaintiffs are being contacted by representatives of federal agencies with the request that they adjust their grant work plans to exclude specific terms and words. For example, the Sustainability Institute was contacted by Defendant EPA last week and provided with a “sanitized” work plan that included eliminating terms such as “Environmental and Climate Justice,” “Historic Black Settlement,” “disadvantaged,” “EPA IRA Disadvantaged Communities Map,” “IJA,” “IRA,” “predominantly Black neighborhood,” “gentrification,” “greenhouse gas (GHG) emissions,” “disproportionate,” “sea level rise,” “equitable,” “barriers,” “systemic racism,” “systemic,” “marginalization,” “environmental justice,” “advocacy,” “EPA Strategic

Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights),” “EPA Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State and Local Levels),” “Black households,” “white (non-Hispanic households),” “racist,” “climate change,” and “equitable.” Ex. E at 4–21 (EPA-proposed deletions highlighted).

These attempts to terminate Congressionally mandated grant programs confirm and intensify the harms noted in the declarations filed in support of Plaintiffs’ Motion for Preliminary Injunction. And the rapid pace of action by Defendants demonstrates the need for urgent action in this case. Plaintiffs appreciate the Court’s action in scheduling a prompt hearing on April 23, 2025. In the event the Court determines that these new developments require an earlier hearing, Plaintiffs commit to filing their reply brief on an expedited schedule. For example, if Defendants file their response brief on April 9, 2025, Plaintiffs could file their reply brief on April 14, 2025, and be ready for a hearing shortly thereafter.

Respectfully submitted, this 31st day of March 2025,

/s/ Carl T. Brzorad

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CERTIFICATE OF SERVICE

I certify that on March 31, 2025, I electronically filed the foregoing with the Clerk of the Court by using the Court's CM/ECF system.

/s/ Carl T. Brzorad

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